

March 13, 2020

Via Facsimile and ECF

(212) 805-7912

Hon. John G. Koeltl
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007-1312

Application granted.
So Ordered.

New York, NY
March 16, 2020

/s/ John G. Koeltl
John G. Koeltl
U.S.D.J.

Re: *Mason v. Reed's Inc., Case No. 1:18-cv-10826-JGK*

Letter Motion Requesting Extension of Time for
Defendant Reed's, Inc. to File Responsive Pleading

Dear Judge Koeltl,

Pursuant to Rule 6(b)(1)(A) of the F.R.C.P., Defendant Reed's Inc. (“Reed's”), is hereby requesting an order permitting Defendant to file their Motions to Dismiss Plaintiff's Second Amended Complaint by March 17, 2020, Plaintiff to file Responses by April 1, 2020; and Defendant to file Replies by April 13, 2020, based on the following information:

1. The hearing on Reed's FRCP rule 12(b) Motion to Dismiss Plaintiff's First Amended Complaint was held on January 30, 2020. At that time, the parties agreed that the Plaintiff would file a Second Amended Complaint and the court ordered Plaintiff to file the Amended Pleading by February 14, 2020; Defendant to file Motions by March 6, 2020; Plaintiff to file Responses by March 23, 2020; and Defendant to file Replies by April 4, 2020.

2. Plaintiff timely filed the Second Amended Complaint on February 13, 2020.
3. This is Defendant's second letter request for an extension of the dates ordered by the court. The court granted defendant's first request resetting the dates for Defendant to file motions from March 6, 2020 to March 13, 2020; for Plaintiff to file Responses from March 23, 2020 to March 30, 2020; and for Defendant to file Replies from April 4, 2020 to April 13, 2020.
4. Defendant is respectfully requesting four additional days for Defendant to file Motions resetting the date for filing to March 17, 2020 and four additional days for Plaintiff to file Responses resetting the date to April 3, 2020. Resetting these dates will not affect the date set for Defendant's Replies on April 13, 2020 and will not delay the submission of the matter to the court. The requested extensions also will not affect any other dates.
5. Since requesting the one-week extension for Reed's motions, Reed's counsel has been diligently and continuously investigating and researching the factual and legal claims set forth in Plaintiff's Second Amended Complaint (72 pages with exhibits). However, the scope of this research has expanded greatly as the litigation of similar class action complaints throughout federal and state courts has grown throughout the country. For the purposes of Defendant's motions, the Second Amended complaint presents complex legal issues related to jurisdiction, standing, class certification, the adequacy of factual allegations and application of law which have been addressed in dozens of cases.
6. Reed's counsel remains engaged in the process of obtaining key documents that will be submitted subject to judicial notice for the motions. It is now 12:20 p.m. Pacific Standard Time (3:20 p.m. EST) on April 13, 2020 and it is now certain that it will not be possible to obtain all the records,

complete all the research and draft all the requisite documents in time for filing by midnight today. Defendant is therefore requesting an extension of two court days (four calendar days). Defense counsel has been advised that the evidence will be available in time for filing on the requested date.

Sincerely,

David J. Scharf
Lead Counsel for Defendant Reed's Inc.